

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NEW YORK

Benjamin J. Bolton,

Plaintiff,

v.

State University of New York, Seth Gilbertson,

Ana Cervantes, Patrick Ewing, Daniel Antonius,

Joanne McCool, Amherst Police Department, Orchard

Park Police Department, Federal Bureau of Investigation,

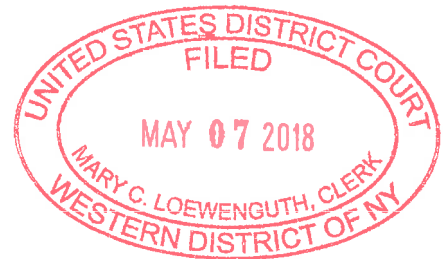
New York State Department of Corrections and

Community Supervision, Erie County Sheriff's Office,

Defendants.

CIVIL RIGHTS COMPLAINT

(42 U.S.C §1983)

CIVIL NO. **18 CV 6345 FPG****JURISDICTION**

- 1.) Jurisdiction is proper in this court according to 42 U.S.C. §1983 because the majority of defendants are state agencies and state employees and conspired to violate civil and constitutional rights of the Plaintiff.
- 2.) The Plaintiff resides in New York State in the Western District and the violations occurred in this jurisdiction.
- 3.) Benjamin J. Bolton is the Plaintiff and resides in New York State and currently lives at the following address:

176 North Water Street,
Rochester, New York 14604
- 4.) The State University of New York is a defendant and an organization in the state of New York.

- 5.) Seth Gilbertson is a defendant and lives in the state of New York and is an employee of the State University of New York.
- 6.) Ana Cervantes is a defendant and lives in the state of New York and is an employee of the State University of New York.
- 7.) Patrick Ewing is a defendant and lives in the state of New York and is an employee of the State University of New York.
- 8.) Daniel Antonius is a defendant and lives in the state of New York and is an employee of the State University of New York.
- 9.) Joanne McCool lives in the state of New York and is an employee of the State University of New York.
- 10.) The Amherst Police Department is a law enforcement agency in the state of New York.
- 12.) The Orchard Park Police Department is a law enforcement agency in the state of New York.
- 13.) The Federal Bureau of Investigation is a law enforcement agency that operates in the state of New York.
- 14.) The New York State Department of Corrections and Community Supervision is a law enforcement agency in the state of New York.
- 15.) The Erie County Sheriff's Office is a law enforcement agency in the state of New York.

NATURE OF CASE

16.) The premise of the case is based on multiple violations of civil rights, deliberate infringements of social contracts by government agencies, and additional unlawful activities that caused the Petitioner serious harm. Specifically, the Petitioner filed numerous complaints and inquiries about previous legal conduct and, in turn, was subjected to egregious practices by the above-mentioned parties. Each defendant collaborated with others to alleviate any sanctions that they may face and performed unlawful actions against the Petitioner because of their perverse desires to not deal with any legal consequences that may arise if Petitioner decided to commence legal action against them. Violations of law by the defendants includes communicating with colleagues and manufacturing false mental health diagnoses, having law enforcement practitioners harass and unjustly target the Petitioner, arrest the Petitioner on false charges, violate the Petitioner's parole with no just cause, instructed

police departments to show up at the Petitioner's house on false premises, communicate in an unlawful manner with the Petitioner's former significant other to cause duress and to present possible legal actions, retaliated because of complaints filed with federal and state agencies, contacted the Petitioner's employers and coworkers, put informal and formal informants in environments to cause harm to the Petitioner, and wrongfully suspended the Petitioner from an academic institution.

CAUSE OF ACTION

17.) I allege that my constitutional rights, privileges or immunities have been violated and that the following facts form the basis for my allegations:

a.) (1.) Count 1: State University of New York Violated Petitioner's Civil Rights

(2.) Supporting Facts:

The State University of New York deliberately caused harm by putting individuals in classrooms with the intent to cause the Petitioner emotional distress, having faculty and staff members perform deliberate discriminating acts against the Petitioner. These acts included discussing the Petitioner's criminal background, complaints filed against law enforcement agencies, employers, and public officials in Erie County, New York. Moreover, the State University of New York contacted judges, correctional facility employees, attorneys representing the Plaintiff in criminal matters that they manifested, mental health practitioners, significant others, and police departments because of the Petitioner's complaints and cynical writings about the criminal justice system. Second to this, State University of New York employees conspired with additional academic institutions because the Petitioner had applied to programs and decided to not to attend the other academic institutions. Specifically, State University of New York employees contacted Martin Floss and Kim Chairmonte, both whom are employees and Hilbert College to cause harm to the Petitioner because he decided not to attend their academic institution. State University of New York employees contacted the Honorable E. Jeanette Ogden and attempted to violate the Petitioner's due process rights.

b.) (1.) Count 2: Seth Gilbertson Violated Petitioner's Civil and Constitutional Rights

(2.) Supporting Facts:

Seth Gilbertson unlawfully contacted the Honorable E. Jeanette Ogden during criminal proceedings at Buffalo City Court. Mr. Gilbertson was neither a prosecuting or defense attorney in the matter. The negligence verifies the erroneous behaviors by Mr. Gilbertson and others named in this petition. The criminal matters against the Petitioner were dismissed.

c.) (1.) Count 3: Ana Cervantes Violated Petitioner's Civil Rights

(2.) Supporting Facts:

Ana Cervantes is a State University of New York employee and former Erie County, New York employee. She was retained to create false diagnoses so that the Petitioner was suspended from Buffalo State College and, in turn, caused serious harm to the Petitioner because of her medical malpractices.

d.) (1.) Count 4: Charles Ewing Violated Petitioner's Civil Rights

(2.) Supporting Facts:

Charles Ewing deliberately was retained by the Federal Public Defender's Office to evaluate the Petitioner. This was done to verify the false false diagnoses, and to cause the Petitioner harm personally and in his federal criminal proceedings.

e.) (1.) Count 5: Daniel Antonius Violated Petitioner's Civil Rights

(2.) Supporting Facts:

Daniel Antonius deliberately created false diagnoses to verify the medical malpractices of Ana Cervantes and to justify the erroneous actions by other parties named in this petition.

f.) (1.) Count 6: Joan McCool Violated Petitioner's Civil Rights

(2.) Supporting Facts:

Joan McCool illegally contacted Erie County Medical Center staff in order to cause harm to the Petitioner and to justify the medical malpractices by others names in this Petition. Ms. McCool is also responsible for contacting police departments and Crisis Services to further justify the false diagnoses by her coworkers.

g.) (1.) Count 7: Amherst Police Department Violated Petitioner's Civil Rights

(2.) Supporting Facts:

Members of the Amherst Police Department conducted unnecessary house calls to the Petitioner's residence to justify the medical malpractices mentioned in this petition. Moreover, the Amherst police Department illegally collaborated with the Orchard Park police Department to attempt to get the Petitioner arrested for communications with his former girlfriend, Justine Strojny. Specifically, the Petitioner filed a complaint against a former

Amherst Town Court jurist for being biased during a legal issue and the collaboration between the police departments was a method of retaliation to cause harm to the Petitioner and possibly arrest him.

h.) (1.) Count 8: Orchard Park Police Department Violated Petitioner's Civil Rights

(2.) Supporting Facts:

The Orchard Park Police Department collaborated with the Amherst Police Department and the Petitioner's former girlfriend so that he could possibly be arrested and to retaliate against the Petitioner for filing complaints against an Amherst Town Court jurist.

i.) (1.) Count 9: Federal Bureau of Investigation Violated Petitioner's Civil Rights

(2.) Supporting Facts:

The Federal Bureau of Investigation launched an erroneous investigation against the Petitioner and Special Agent Isaacson performed illegal and unethical actions against the Petitioner. Specifically, Special Agent Isaacson collaborated with the above-mentioned parties to arrest the Petitioner and to arrest him for retaliation purposes.

j.) (1.) Count 10: The New York State Department of Corrections and Community Supervision Violated Petitioner's Civil Rights

(2.) Supporting Facts:

Parole hearings were deliberately delayed because the Petitioner refused to be plead guilty to criminal charges that stemmed from Buffalo State College. After the criminal charges were dismissed, the Petitioner was forced to remain in custody and received no insight about the reasons for parole violations. The hearings included testimony from Buffalo State Police Officers and included deceit and mockery to harm the Petitioner. Second to this, members of the Parole Board were notified about the illegal communication with the Petitioner's attorney, yet nothing was resolved.

k.) (1.) Count 11: Erie County Sheriff's Office Violated Petitioner's Civil Rights

(2.) Supporting Facts:

The Erie County Sheriff's Office physically assaulted the Petitioner because he refused to plead guilty to criminal charges and collaborated with State University of New York employees to create false diagnoses.

INJURY

18.) The Petitioner has dealt with serious emotional and financial distress because of the unlawful actions by the defendants. Additionally, the Petitioner still deals with retaliation from the parties named in this petition through other law enforcers not named in this petition. Moreover, the Petitioner's constitutional rights have been routinely violated by the defendants through actions that have deprived the Petitioner of civil and constitutional rights that are guaranteed in the United States of America.

PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

19.) No previous lawsuits or administrative relief has been submitted or provided to the Petitioner.

REQUEST FOR RELIEF

20.) The Petitioner believes that he entitled to the following relief:

Punitive and compensatory damages in the amount of \$50,000,000 American dollars.

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he/she is the plaintiff in the above action, that he/she has read the above complaint, and that the information contained therein is true and correct. 28 U.S.C. §1746; 18 U.S.C §1621.

Executed at the United States District Court for the Western District of New York on May 7th, 2018.

